

**DURHAM, NORTH CAROLINA  
MONDAY, JANUARY 7, 2008  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read a proclamation declaring the month of January as National Mentoring Month and Thank Your Mentor “Day – that was presented to Della Owens, Executive Director of Durham Companions who made comments.

City Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Council Member Woodard: Top 10 List for the year--commenting on the regional list; Executive Director of the Innocence Project Christine Mumma was named Tar Heel of the Year; Gale and Ernie Mills - Christmas Eve luncheon; Parks and Recreation and Hayti Heritage staff--Kwanzaa celebration held January 1, 2008.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Baker stated he will provide an update on the water supply and commented on Supplemental Agenda Item #31—Cary Interconnection Engineering Design Services.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to accept the City Manager’s priority items was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

City Manager Baker commented on the practice of having detailed discussions and questions regarding the water issue at the Work Session. He reported some questions have been presented by Council regarding the billing structure and debt service issues and staff will discuss them on Thursday. Also, he encouraged Council to provide questions in advance of the Work Session. He provided Council with an update on the water supply highlighting the following: 40% reduction in demand; lake levels; remaining days of water supply; stage 4 conservation; interconnection with Cary; and drought status.

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There were no priority items from the City Attorney.

City Clerk D. Ann Gray swore in Barbara Fletcher Loftin as a member of the Durham Housing Authority Board of Commissioners and Joy Suzanne Johnson as a member of the Human Relations Commission.

Relative to Consent Agenda Item #1 [2008 Legislative Program - Short Session], Mayor Bell announced that there will be a Town Hall Meeting with Senator Marc Basnight and Senator Floyd B. McKissick, Jr. on January 29, 2008 at 4:00 p.m. in the Committee Room to receive questions from the public regarding legislative issues.

He announced the closed session held today was continued to January 16, 2008 at 5:00 p.m.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to enter into a contract with the Mercer Group, Inc. for executive search for the City Manager position in an amount not to exceed \$34,400 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Po Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 10, 11 and 12 were pulled.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

#### **[CONSENT AGENDA]**

#### **SUBJECT: 2008 LEGISLATIVE PROGRAM – SHORT SESSION**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive a report from the City Attorney concerning the 2008 Legislative Program; and

To approve the 2008 Legislative Program Calendar and the 2008 Legislative Program Areas of Responsibility was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

#### **SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to approve City Council minutes for the November 19, 2007 City Council Meeting; and

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To approve City Council action taken at the November 8, 2007 City Council Work Session was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: FY 2008-2009 ANNUAL ACTION PLAN “NEEDS” PUBLIC HEARING**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to set a public hearing on January 22, 2008 for the FY 2008-2009 Annual Action Plan “Needs” to receive citizens’ comments related to community development needs was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – ROXBORO ROAD PARKING LOT (D05-572)**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to approve a major site plan for the “Roxboro Road Parking Lot,” submitted by Coulter Jewell Thames P.A. on behalf of Sikh Gurudawara of North Carolina, for a 24 space parking lot on a 0.335 acre site zoned Commercial General (D) (CG (D)) and Falls/Jordan Protected Area (F/J-B) with a buffer reduction to five feet along 29 feet and nine feet along 105 feet of the southern side of the site-- the site is located at 3214 Banner Street, south of Old Oxford Highway and east of North Roxboro Road. PIN 0833-17-20-3979 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING  
PETITIONED IMPROVEMENTS - WATER MAIN ON ARDMORE  
DRIVE - CURB, GUTTER AND PAVING AND WATER AND SEWER  
LATERALS ON WINBURN AVENUE**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept a Certificate of Sufficiency from the Manager of Engineering and Stormwater for each of the following petitions; and

To adopt a resolution setting a public hearing for January 22, 2008, to consider ordering each of the following improvements was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Water Main on Ardmore Drive from Cook Road to West Property Line of PIN 0820-18-41-3473; and

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Curb, Gutter and Paving and Water and Sewer Laterals on Winburn Avenue from Amberly Drive to Watson Road.

**SUBJECT: STREET ACCEPTANCES**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the streets on the list for maintenance by the City of Durham was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Hope Creek Subdivision – PH III**

- 1) **Forrest Edge Trail** – from the west p/l of Lot 72 northwest thru the cul-de-sac (1,251') and
- 2) **Shady Oak Trail** – from the west p/l of Lot 68 west to the centerline of Forest Edge Trail (125'.)

**Grove Park Lakeside – Hampstead Subdivision**

- 1) **Hampstead Village Drive** – from the centerline of Nichols Farm Drive east thru the cul-de-sac (1,671') and
- 2) **Lick Creek Lane** – from the centerline of Hampstead Village Drive to the south ditch line of NC HWY 98 (1,415') and
- 3) **Mooring Court** – from the centerline of Lick Creek Lane south thru the cul-de-sac (136'.)

**SUBJECT: MORTGAGE BUY-BACK AGREEMENT WITH DURHAM COUNTY HABITAT FOR HUMANITY**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize utilization of the Durham County Habitat for Humanity Mortgage Buy-Back Covenant in conjunction with all City-originated homeownership loan programs was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE SUB-RECIPIENT AGREEMENT WITH DURHAM CRISIS RESPONSE CENTER**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute an Amendment to the existing Sub-recipient Agreement with Durham Crisis Response Center to extend the term from December 31, 2007 to June 30, 2008 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: AMENDMENT TO CONTRACT BETWEEN THE CITY OF DURHAM  
AND RIGGS WARD DESIGN, L.C. FOR THE PLANNING OF A  
DURHAM HISTORY MUSEUM/COMMON ROOM**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute this amendment to increase the contract amount by \$15,000.00 from \$25,000.00 to \$40,000.00;

To authorize the City Manager to extend the original contract time by approximately one month to May 30, 2008; and

To authorize the City Manager to make such other changes to the contract as may be necessary so long as they do not increase the amount to be paid by the City nor limit the benefits to be received by the City was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDED 9-1-1 INTER-LOCAL COOPERATION AGREEMENT –  
COUNTY OF DURHAM**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute the Amended 9-1-1 Inter-Local Cooperation Agreement; and

To authorize the City Manager to modify the agreement provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: HOUSEHOLD HAZARDOUS WASTE CONTRACT AMENDMENT #1 -  
ECOFLO, INC.**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute Contract Amendment #1 between the City of Durham and Ecoflo, Inc., to operate the Household Hazardous Waste facility for an additional four years, effective January 14, 2008; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract attached to this agenda item was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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The City Council disposed of the following agenda items at the December 20, 2007 Work Session:

**7. Non-City Agency Program Review Committee Report**

To receive a report from the Non-City Agency Program Review Committee.

*(A report was received at the 12-20-07 Work Session)*

**15. Carolina Theatre Management Agreement**

To authorize the City Manager to enter into a five year agreement with the Carolina Theatre of Durham, North Carolina to provide management services at the Carolina Theatre; and

To authorize the City Manager to modify the agreement before execution provided the modifications do not increase the cost of the contract, or materially reduce the Carolina Theatre's obligations.

*(This item was approved at the 12-20-07 Work Session with a vote of 5/0)*

**17. Renewal of the CentraNet Telephone Line Service Agreement with Verizon South, Inc.**

To authorize the City Manager to execute a one-year contract with Verizon South Inc. for the renewal of the CentraNet telephone lines service agreement in the amount of \$15,531.25 monthly or \$186,375.00 annually without taxes; and

To authorize the City Manager to modify the agreement provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement.

*(This item was approved at the 12-20-07 Work Session with a vote of 5/0)*

**24. Lillian Lennon**

To receive comments from Lillian Lennon regarding the small business loan program.

*(Comments were received at the 12-20-07 Work Session)*

**25. Eno River Association**

To receive comments from Robin Jacobs regarding the 2008 Eno River Association Calendars.

*(Comments were received at the 12-20-07 Work Session)*

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**26. Granville Non-Violent Action Team**

To receive comments from Kathryn Spann regarding the Butner site for the proposed National Bio and Agro-Defense Research Facility.

*(Comments were received at the 12-20-07 Work Session)*

**27. Annie Hamilton**

To receive comments from Annie Hamilton regarding the water department.

*(Comments were received at the 12-20-07 Work Session)*

**28. Carolyn Rogers**

To receive comments from Carolyn Rogers regarding traffic calming and speed limits in the Penrith/Wedgewood Community.

*(Comments were received at the 12-20-07 Work Session)*

**29. Reimbursement Agreement between North Carolina Department of Transportation and the City of Durham Regarding the Durham Amtrak Station**

To adopt a resolution authorizing the City Manager to execute a Reimbursement Agreement with the North Carolina Department of Transportation regarding the relocation of the Durham Amtrak Station; and

To authorize the City Manager to modify the agreement before execution provided the modifications do not increase the dollar amount of the agreement and are consistent with the general intent of the agreement.

*(This item was approved at the 12-20-07 Work Session with a vote of 5/0) Resolution #9522*

**30. Two-Thirds Bonds Reimbursement Resolution**

To adopt a resolution declaring the intent of the City of Durham to reimburse itself for capital expenditures incurred in connection with various public improvements from the proceeds of certain tax-exempt obligations to be executed and delivered during fiscal year 2009; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2007-08, as amended, the same being Ordinance #13428 for the purpose of adding \$12,250,000.00 in Two-Thirds Bond Funds.

*(This item was approved at the 12-20-07 Work Session with a vote of 5/1)*  
**Resolution #9523**

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**Ordinance #13530**

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: ZONING MAP CHANGE – 6 CLOVER HILL PLACE (Z07-29) –  
GABRIELLE CHARBONNET, WILL AND MARY PARKER – SOUTH OF  
CLOVER HILL PLACE, EAST OF SOUTH RIVERDALE DRIVE**

To conduct a public hearing and receive public comments on the zoning map change for 6 Clover Hill Place (Z07-29);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-29 out of RR and placing same in and establishing same as RS-20; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 12-0 on November 13, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located south of Clover Hill Place and east of South Riverdale Drive. PINs: 0814-01-45-2855 and -4844)]

Scott Whiteman, of the City/County Planning Department, stated notification has been provided for all of the Planning Department items tonight as required by law and affidavits are on file for public review. He briefed Council on the zoning map change, noted staff recommended approval of this request based on consistency with the Comprehensive Plan and the information contained in the staff report and the Planning Commission also recommended approval of this request.

Mayor Bell opened the public hearing.



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**Proponent**

Nat Smith, representing the applicant, spoke in support of this zoning map change. He noted this request is to correct a surveyor's error.

There being no one to speak in opposition to this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to conduct a public hearing and receive public comments on the zoning map change for 6 Clover Hill Place (Z07-29);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-29 out of RR and placing same in and establishing same as RS-20; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13532**

**SUBJECT: ZONING MAP CHANGE – INDIGO CORNERS (Z07-28) – INDIGO CORNERS, LLC – EAST SIDE OF MT. MORIAH ROAD, NORTH OF US 15-501**

To conduct a public hearing and receive public comments on the zoning map change for Indigo Corners (Z07-28);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-28 out of CG(D) and placing same in and establishing same as CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

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Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 8-4 on November 13, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located east side of Mt. Moriah Road and north of US 15-501. PINs: 0800-03-12-7589, -9649, -8220, 0800-03-22-1718, -0818, -0320, -2442

Scott Whiteman, of the City/County Planning Department, briefed Council on the zoning map change highlighting the uses, the additional committed element proffered by the developer to install a traffic signal at the intersection of the northern site driveway and Mt. Moriah Road. He reported staff recommended approval of this item based on the consistency with the Comprehensive Plan and the information in the staff report and the Planning Commission also recommended approval of this item.

Mayor Bell opened the public hearing.

Council Member Woodard asked for clarification on article reported in The News and Observer.

Scott Whiteman, of the City/County Planning Department, reported the shopping center is already built and this request will allow changes to three of the conditions.

### **Proponent**

Tony Tate, representing the applicant, spoke in support of this zoning map change. He reported this is an existing development with six parcels on the site and five parcels have been built already with one remaining. He commented on changes to the committed elements: allowance of certain types of veterinary clinics with inside operations, technical changes with committed elements and the additional committed element to install a traffic signal on Mt. Moriah Road before the last building receives its certificate of occupancy.

There being no one to speak in opposition to this request, the Mayor closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Woodard to conduct a public hearing and receive public comments on the zoning map change for Indigo Corners (Z07-28);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-28 out of CG(D) and placing same in and establishing same as CG(D); and

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To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13533**

**SUBJECT: NEW HOPE CHURCH INITIAL (Z07-31A) – CITY OF DURHAM – EAST SIDE OF FAYETTEVILLE ROAD, SOUTH OF ATKINS HEIGHTS BOULEVARD AND NORTH OF THE AMERICAN TOBACCO TRAIL**

To conduct a public hearing and receive public comments on the initial zoning map change for New Hope Church Initial (Z07-31A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Planned Development Residential 2.500 (PDR 2.500), and Planned Development Residential 2.650 (PDR 2.650) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the east side of Fayetteville Road, south of Atkins Heights Boulevard and north of the American Tobacco Trail PIN 0717-02-78-4537]

Scott Whiteman, of the City/Council Planning Department, briefed Council on the initial zoning map change.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to conduct a public hearing and receive public comments on the initial zoning map change for New Hope Church Initial (Z07-31A);

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To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Planned Development Residential 2.500 (PDR 2.500), and Planned Development Residential 2.650 (PDR 2.650) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13534**

**SUBJECT: BETHESDA PARK INITIAL (Z07-32A) – CITY OF DURHAM – EAST SIDE OF STURGIS ROAD, NORTH OF ELLIS ROAD**

To conduct a public hearing and receive public comments on the initial zoning map change for Bethesda Park Initial (Z07-32A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the east side of Sturgis Road, north of Ellis Road PINs 0749-02-58-3669, -59-6042, -7041]

Scott Whiteman, of the City/Council Planning Department, briefed Council on the initial zoning map change.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

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**MOTION** by Council Member Woodard seconded by Council Member Catotti to conduct a public hearing and receive public comments on the initial zoning map change for Bethesda Park Initial (Z07-32A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13535**

**SUBJECT: FINSBURY PHASE II INITIAL (Z07-25A) – CITY OF DURHAM –  
NORTH SIDE OF HOPSON ROAD, WEST SIDE OF DAVIS DRIVE  
ADJACENT TO FINSBURY I AND ESTOF THE FUTURE TRIANGLE  
PARKWAY**

To conduct a public hearing and receive public comments on the initial zoning map change for Finsbury Phase II Initial (Z07-25A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Science Research Park (SRP) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the north side of Hopson Road, west side of Davis Drive adjacent to Finsbury I and east of the future Triangle Parkway. PIN 0737-01-96-8069 (partial)]

Scott Whiteman, of the City/Council Planning Department, briefed Council on the initial zoning map change.

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Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to conduct a public hearing and receive public comments on the initial zoning map change for Finsbury Phase II Initial (Z07-25A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Science Research Park (SRP) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13536**

**SUBJECT: T.W. ALEXANDER PROPERTY INITIAL (Z07-24A) –CITY OF DURHAM  
– EAST OF SOUTH ALSTON AVENUE, WEST OF T W ALEXANDER  
DRIVE AND SOUTH OF BURDENS CREEK**

To conduct a public hearing and receive public comments on the initial zoning map change for T.W. Alexander Properties Initial (Z07-24A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Residential Suburban Multifamily (RS-M), Commercial Neighborhood (CN), Science Research Park (SRP), Office and Institutional with a development plan (OI(D)), and Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

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[The site is located east of S. Alston Avenue, west of T.W. Alexander Drive, and south of Burdens Creek PINs 0737-01-48-5553, -47-4898]

Scott Whiteman, of the City/Council Planning Department, briefed Council on the initial zoning map change.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Catotti seconded by Council Member Woodard to conduct a public hearing and receive public comments on the initial zoning map change for T.W. Alexander Properties Initial (Z07-24A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Residential Suburban Multifamily (RS-M), Commercial Neighborhood (CN), Science Research Park (SRP), Office and Institutional with a development plan (OI(D)), and Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13537**

**[SUPPLEMENTAL AGENDA]**

**SUBJECT: CARY INTERCONNECTION ENGINEERING DESIGN SERVICES –  
CARY WATER SYSTEM INTERCONNECTION PROJECT – HAZEN &  
SAWYER**

City Manager Baker stated this item is for the ultimate construction and implementation of the second interconnection with Cary to allow the City to access water from the Jordan Lake Allocation.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending the Water and Wastewater Capital Improvements Project Ordinance, Fiscal Year 2007-08, as amended, the same being Ordinance #13429, for the purpose of adding \$3,000,000.00 to the Cary Water System Interconnection project;

**January 7, 2008**

To authorize the City Manager to negotiate a contract with Hazen & Sawyer for the Cary Interconnection Engineering Design Services for a cost not to exceed of \$500,000.00;

To establish a contingency fund within the contract \$50,000.00;

To authorize the City Manager to negotiate change orders for provided that the cost of all change orders does not exceed \$50,000.00 and the total project cost does not exceed \$550,000.00; and

To authorize the City Manager to make changes to the contract provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13538**

Mayor Bell asked the City Attorney and the administration to bring a report to a Work Session regarding water connections--issues raised with individuals being able to connect to the City's water and sewer systems and defining what a drought is.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: THIRD AMENDMENT TO WORKFORCE INVESTMENT ACT  
CONTRACT WITH GENERAL MANAGEMENT SOLUTIONS, INC.**

Victoria Peterson asked several questions regarding the following topics that were answered by staff: voting method by the Durham Workforce Development Board, quorum issue, utilization of funds, and number of people served by grants.

Kevin Dick, of the Office of Economic and Workforce Development, addressed the quorum issue and made comments on the by-laws. He noted at the January 24, 2008 Workforce Development Board Meeting staff will make a recommendation that the by-laws change to read that a quorum shall be a simple majority of the full board membership.

**MOTION** by Council Member Ali seconded by Council Member Catotti to authorize the City Manager to execute the Third Amendment to the Workforce Investment Act Contract for Adult and Dislocated Worker Services with General Management Solutions, Inc.; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and that the modifications do not decrease the delivery of services to the City was approved at 7:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.



**January 7, 2008**

**SUBJECT: FIRST AMENDMENT TO THE WORKFORCE INVESTMENT ACT  
WITH COMMUNITY PARTNERSHIPS, INC.**

Victoria Peterson asked several questions regarding the voting method by the Workforce Development Board.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute the first amendment to the Workforce Investment Act Youth Services Contract between the City of Durham and Community Partnerships, Inc. to increase the contract amount from \$350,000.00 to \$384,493.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount beyond \$384,493.00 and that the modifications do not decrease the services to be delivered to the City was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE CITY OF DURHAM EMPLOYMENT AND  
TRAINING 2007-2009 GRANT PROJECT ORDINANCE**

Victoria Peterson asked questions on the following topics that were answered by staff: location of GED program and RFP application process.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to accept the North Carolina Department of Commerce Employment and Training Grant by executing the grant documents; and

To adopt the 2007-2009 City of Durham, North Carolina and State of North Carolina Department of Commerce Grant Project Ordinance, superseding Grant Project Ordinance #13520 in the amount of \$1,481,901.00 was approved at 8:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13531**

There being no further business to come before the City Council, the meeting was adjourned at 8:08 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk